In the High Court of Uttaranchal at Nainital.

Criminal Revision No. 420/2001
(Old No. 1750/1990)

Inderjeet Singh S/o Kartar Singh

R/o C-122 Nehru Colony P.S. Dalanwala

Dehradun ……Revisionist.

Vs.

1- State of U.P.

2- Tilak Raj S/o Govind Ram

3- Shyam Lal S/o Govind Ram

R/O H. 122 Nehru Colony P.S. Dalanwala

Dehradun ……..Respondents.

Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri K.S. Rautela learned Brief Holder for the state and perused the record.

2- This criminal revision under section 397/401 of the Code of Criminal Procedure has been filed against the judgment and order dated 31-7-1990 passed by C.J.M., Dehradun in criminal case No. 1915/1987 acquitting the accused-respondent nos. 2 and 3 for an offence under section 393 I.P.C.

3- From perusal of the record it is evident that the evidence of the prosecution consisting of complainant Inderjeet Singh (P.W.1) and eye witnesses Darshan Lal (P.W.2) and Smt. Kiran Bala (P.W.3) has been considered in proper perspective and it was found that the identity of the accused Tilak Raj and Shyam Lal was not fixed. Therefore benefit of doubt was extended and they were acquitted of the chare under section 393 I.P.C.

5- Having gone through the evidence there appear to be no perversity in the analysis of the evidence of the prosecution and therefore the petition is devoid of merit and is dismissed. Consign.

(Irshad Hussain, J.)

Dated: 05-05-2004
ISB